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DEC 13 2007

Ravalli County Commissioners

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December 13, 2007

Tony & Lynette Coller
808 S. Sunset Bench Rd.
Stevensville, MT. 59870-6960

Dear Mr. and Mrs. Coller:

I have reviewed your various land redivision proposals with members of the Ravalli County Planning Staff as well as the Ravalli County Clerk & Recorder's office. Everyone agrees that the agricultural community you are proposing seems like a wonderful idea, but I have come to the unfortunate conclusion that it can not be created through the boundary line relocation process.

The long and short of it is that there are separate provisions in Montana law for moving boundary lines that border surveyed and subdivided pieces of ground. You have both types of parcels on your property. To create your community that way, you would need to actually move an entire subdivision (not just a single line) across a section line. There is just no legal way to do this. You can no more move that subdivision to another part of your parcel than you can move it to Glendive.

None of this is meant to be a criticism of your proposal. The Planning Department felt that the idea behind your project was very much in keeping with the kind of development that Ravalli County is trying to encourage. However, it is an idea that needs to be implemented through a different channel, the subdivision process.

While I understand and agree that the subdivision process can be long and painful, to some extent, it is that way for a reason. Laws are blunt tools—in order to prevent some bad things; they prevent or at least complicate some good things. The exemptions to the subdivision review process, mainly boundary line relocations and family transfers, have been blatantly abused by many people over the years. Because of that, the ability to use those exemptions has all but disappeared. A few bad apples have ruined things for all.

In summary, the boundary line relocation process is not a possibility. You will have to go through subdivision review with approval weighed against the six criteria set out in state law and with the opportunity for public comment on your proposal.

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I am aware that many of your neighbors support this project and I would anticipate that the public comment to your proposal would be positive. I wish you the best of luck with all of this and I am sorry to be the bearer of bad news.

Sincerely,

A handwritten signature in black ink that reads "Alex Beal". The signature is fluid and cursive, with the first name "Alex" and last name "Beal" clearly distinguishable.

Alex Beal
Deputy Ravalli County Attorney

AB/dp

cc: Ravalli County Planning Department
Ravalli County Commissioners